

(d) Study and report relating to immunity from prosecution for professional consultation in suspected and known instances of child abuse and neglect

(1) Study

The Secretary shall complete a study, in consultation with experts in the provision of healthcare, law enforcement, education, and local child welfare administration, that examines how provisions for immunity from prosecution under State and local laws and regulations facilitate and inhibit individuals cooperating, consulting, or assisting in making good faith reports, including mandatory reports, of suspected or known instances of child abuse or neglect.

(2) Report

Not later than 1 year after December 20, 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1) and any recommendations for statutory or regulatory changes the Secretary determines appropriate. Such report may be submitted electronically.

(Pub. L. 93-247, title I, §110, formerly §13, as added Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, §112, and amended Pub. L. 101-126, §3(a)(1), (2), (b)(6), Oct. 25, 1989, 103 Stat. 764, 765; renumbered §110 and amended Pub. L. 104-235, title I, §113(a)(1)(B), (3), Oct. 3, 1996, 110 Stat. 3079; Pub. L. 108-36, title I, §118, June 25, 2003, 117 Stat. 813; Pub. L. 111-320, title I, §118, Dec. 20, 2010, 124 Stat. 3475.)

PRIOR PROVISIONS

A prior section 110 of Pub. L. 93-247 was renumbered section 108 and is classified to section 5106d of this title.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-320, §118(a), added subsec. (a) and struck out former subsec. (a) which required the Secretary to submit to the appropriate committees of Congress a biennial report on efforts to coordinate the objectives and activities of agencies and organizations which are responsible for programs and activities related to child abuse and neglect.

Subsec. (b). Pub. L. 111-320, §118(a), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “Not later than two years after the first fiscal year for which funds are obligated under section 10603a of this title, the Secretary shall submit to the appropriate committees of Congress a report evaluating the effectiveness of assisted programs in achieving the objectives of section 5106c of this title.”

Subsec. (c). Pub. L. 111-320, §118(b), amended subsec. (c) generally. Prior to amendment, text read as follows: “(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 5106a(c) of this title.

“(2) REPORT.—Not later than 3 years after June 25, 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).”

Subsec. (d). Pub. L. 111-320, §118(c), added subsec. (d).

2003—Subsec. (c). Pub. L. 108-36 added subsec. (c).

1996—Subsec. (b). Pub. L. 104-235 substituted “effectiveness of assisted programs in achieving the objectives of section 5106c of this title” for “effectiveness of—

“(1) assisted programs in achieving the objectives of section 5106c of this title; and

“(2) the technical assistance provided under section 5106b of this title”.

1989—Subsec. (b). Pub. L. 101-126, §3(b)(6), made technical amendments to references to sections 5106b and 5106c of this title to reflect renumbering of corresponding sections of original act.

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

§ 5106f-1. Report concerning voluntary reporting system

Not later than April 30, 1993, and annually thereafter, the Secretary of Health and Human Services, acting through the Director of the National Center on Child Abuse and Neglect, shall prepare and submit to the appropriate committees of Congress a report concerning the measures being taken to assist States in implementing a voluntary reporting system for child abuse and neglect. Such reports shall contain information concerning the extent to which the child abuse and neglect reporting systems developed by the States are coordinated with the automated foster care and adoption reporting system required under section 679 of this title.

(Pub. L. 102-295, title I, §142, May 28, 1992, 106 Stat. 200.)

CODIFICATION

Section was enacted as part of the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, and not as part of title I of the Child Abuse Prevention and Treatment Act which comprises this subchapter.

§ 5106g. Definitions

For purposes of this subchapter—

(1) the term “Alaska Native” has the meaning given the term “Native” in section 1602 of title 43;

(2) the term “infant or toddler with a disability” has the meaning given the term in section 1432 of title 20;

(3) the term “Native Hawaiian” has the meaning given the term in section 7517 of title 20;

(4) the term “sexual abuse” includes—

(A) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or

(B) the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children; and

(5) the term “withholding of medically indicated treatment” means the failure to respond

to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment—

(A) the infant is chronically and irreversibly comatose;

(B) the provision of such treatment would—

(i) merely prolong dying;

(ii) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(iii) otherwise be futile in terms of the survival of the infant; or

(C) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane;¹

(Pub. L. 93-247, title I, §111, formerly §14, as added Pub. L. 100-294, title I, §101, Apr. 25, 1988, 102 Stat. 116; renumbered title I, §113, and amended Pub. L. 101-126, §3(a)(1), (2), (b)(7), Oct. 25, 1989, 103 Stat. 764, 765; renumbered §111 and amended Pub. L. 104-235, title I, §§110, 113(a)(1)(B), Oct. 3, 1996, 110 Stat. 3078, 3079; Pub. L. 111-320, title I, §§119, 142(b), Dec. 20, 2010, 124 Stat. 3477, 3483.)

PRIOR PROVISIONS

A prior section 111 of Pub. L. 93-247 was renumbered section 109 and is classified to section 5106e of this title.

AMENDMENTS

2010—Pars. (1), (2). Pub. L. 111-320, §142(b)(1), (2), redesignated pars. (7) and (8) as (1) and (2), respectively, and struck out former pars. (1) and (2) which read as follows:

“(1) the term ‘child’ means a person who has not attained the lesser of—

“(A) the age of 18; or

“(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

“(2) the term ‘child abuse and neglect’ means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;”

Par. (3). Pub. L. 111-320, §142(b)(1)–(3), redesignated par. (10) as (3), struck out “and” at end, and struck out former par. (3) which read as follows: “the term ‘Secretary’ means the Secretary of Health and Human Services;”

Par. (4)(B). Pub. L. 111-320, §142(b)(4), inserted “and” after semicolon at end.

Par. (5). Pub. L. 111-320, §142(b)(1), (5), redesignated par. (6) as (5) and struck out former par. (5) which read as follows: “except as provided in section 5106a(f) of this title, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;”

Pub. L. 111-320, §119(1), inserted “except as provided in section 5106a(f) of this title,” after “(5)”, inserted “and” after “Samoa,” and struck out “and the Trust Territory of the Pacific Islands” after “Northern Mariana Islands;”

Par. (6). Pub. L. 111-320, §142(b)(5), redesignated par. (6) as (5).

Par. (6)(C). Pub. L. 111-320, §119(2), substituted a semicolon for period at end.

Pars. (7) to (11). Pub. L. 111-320, §142(b)(1), (2), redesignated pars. (7), (8), and (10) as (1), (2), and (3), respectively, and struck out pars. (9) and (11) which read as follows:

“(9) the terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 450b of title 25;”

“(11) the term ‘unaccompanied homeless youth’ means an individual who is described in paragraphs (2) and (6) of section 11434a of this title.”

Pub. L. 111-320, §119(3), added pars. (7) to (11).

1996—Par. (1). Pub. L. 104-235, §110(1), (2)(A), redesignated par. (3) as (1) and struck out former par. (1) which read as follows: “the term ‘board’ means the Advisory Board on Child Abuse and Neglect established under section 5102 of this title;”

Par. (2). Pub. L. 104-235, §110(2)(A), (3), redesignated par. (4) as (2) and amended it generally. Prior to amendment, par. (2) read as follows: “the term ‘child abuse and neglect’ means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by a person who is responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary;”

Pub. L. 104-235, §110(1) struck out par. (2) which read as follows: “the term ‘Center’ means the National Center on Child Abuse and Neglect established under section 5101 of this title;”

Par. (3). Pub. L. 104-235, §110(2)(A), redesignated par. (6) as (3). Former par. (3) redesignated (1).

Par. (4). Pub. L. 104-235, §110(2)(A), (4), redesignated par. (7) as (4) and in subpar. (B) inserted “, and in cases of caretaker or inter-familial relationships, statutory rape” after “rape”. Former par. (4) redesignated (2).

Par. (5). Pub. L. 104-235, §110(1), (2)(A), redesignated par. (8) as (5) and struck out former par. (5) which read as follows: “the term ‘person who is responsible for the child's welfare’ includes—

“(A) any employee of a residential facility; and

“(B) any staff person providing out-of-home care;”

Par. (6). Pub. L. 104-235, §110(2)(B), redesignated par. (10) as (6). Former par. (6) redesignated (3).

Pars. (7), (8). Pub. L. 104-235, §110(2)(A), redesignated pars. (7) and (8) as (4) and (5), respectively.

Par. (9). Pub. L. 104-235, §110(1), struck out par. (9) which read as follows: “the term ‘task force’ means the Inter-Agency Task Force on Child Abuse and Neglect established under section 5103 of this title; and”

Par. (10). Pub. L. 104-235, §110(2)(B), redesignated par. (10) as (6).

1989—Pub. L. 101-126, §3(b)(7)(A), made technical amendment to reference to this subchapter to reflect the insertion of title designations in the original act.

Pars. (1), (2), (9). Pub. L. 101-126, §3(b)(7)(B)–(D), made technical amendments to references to sections 5101, 5102, and 5103 of this title to reflect renumbering of corresponding sections of original act.

§ 5106h. Authorization of appropriations

(a) In general

(1) General authorization

There are authorized to be appropriated to carry out this subchapter \$120,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2015.

(2) Discretionary activities

(A) In general

Of the amounts appropriated for a fiscal year under paragraph (1), the Secretary shall

¹ So in original. The semicolon probably should be a period.